

By: Taylor of Collin

S.B. No. 226

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the procedure for action on certain applications for an
3 amendment to a water right.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 11.122, Water Code, is amended by adding
6 Subsection (b-1) to read as follows:

7 (b-1) An application for an amendment to a water right is
8 exempt from any requirements of a statute or commission rule
9 regarding notice and hearing or technical review by the executive
10 director or the commission and may not be referred to the State
11 Office of Administrative Hearings for a contested case hearing if
12 the application is for an amendment that:

13 (1) adds a purpose of use that does not alter:

14 (A) the nature of the right from a right
15 authorizing nonconsumptive use to a right authorizing consumptive
16 use; or

17 (B) a pattern of use that is explicitly
18 authorized by the original right;

19 (2) adds a place of use located in the same basin as
20 the place of use authorized by the original right; or

21 (3) changes the point of diversion, provided that:

22 (A) the authorized rate of diversion is not
23 increased;

24 (B) the original point of diversion and the new

1 point of diversion are located in the same contiguous tract of land;

2 (C) the original point of diversion and the new
3 point of diversion are from the same source of supply;

4 (D) there are no points of diversion from the
5 same source of supply associated with other water rights that are
6 located between the original point of diversion and the new point of
7 diversion; and

8 (E) there are no streamflow gauges located on the
9 source of supply between the original point of diversion and the new
10 point of diversion.

11 SECTION 2. This Act applies to an application to amend a
12 water right that is filed with the Texas Commission on
13 Environmental Quality on or after the effective date of this Act or
14 is pending as of the effective date of this Act.

15 SECTION 3. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2017.